

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 45 be amended to read as follows:

- 1 Page 9, between lines 22 and 23, begin a new paragraph and insert:  
 2 "SECTION 9. IC 35-42-2-6 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this  
 4 section, "corrections officer" includes a person employed by:  
 5 (1) the department of correction;  
 6 (2) a law enforcement agency;  
 7 **(3) a probation department;**  
 8 ~~(3)~~ **(4)** a county jail; or  
 9 ~~(4)~~ **(5)** a circuit, superior, county, probate, city, or town court.  
 10 **(b) As used in this section, "firefighter" means a person who is**  
 11 **a:**  
 12 **(1) full-time, salaried firefighter;**  
 13 **(2) part-time, paid firefighter; or**  
 14 **(3) volunteer firefighter (as defined in IC 36-8-12-2).**  
 15 **(c) As used in this section, "first responder" means a person**  
 16 **who:**  
 17 **(1) is certified under IC 16-31 and who meets the Indiana**  
 18 **emergency medical services commission's standards for first**  
 19 **responder certification; and**  
 20 **(2) responds to an incident requiring emergency medical**  
 21 **services.**  
 22 ~~(b)~~ **(d)** As used in this section, "human immunodeficiency virus  
 23 (HIV)" includes acquired immune deficiency syndrome (AIDS) and  
 24 AIDS related complex.

~~(c)~~ (e) A person who knowingly or intentionally in a rude, insolent, or angry manner places blood or another body fluid or waste on a law enforcement officer, **firefighter, first responder**, or a corrections officer identified as such and while engaged in the performance of official duties or coerces another person to place blood or another body fluid or waste on the law enforcement officer, **firefighter, first responder**, or corrections officer commits battery by body waste, a Class D felony. However, the offense is:

(1) a Class C felony if the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with:

(A) hepatitis B **or hepatitis C**;

(B) HIV; or

(C) tuberculosis;

(2) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with hepatitis B **or hepatitis C** and the offense results in the transmission of hepatitis B **or hepatitis C** to the other person; or

(B) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class A felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

~~(d)~~ (f) A person who knowingly or intentionally in a rude, an insolent, or an angry manner places human blood, semen, urine, or fecal waste on another person commits battery by body waste, a Class A misdemeanor. However, the offense is:

(1) a Class D felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with:

(A) hepatitis B **or hepatitis C**;

(B) HIV; or

(C) tuberculosis;

(2) a Class C felony if:

(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with hepatitis B **or hepatitis C** and the offense results in the transmission of hepatitis B **or hepatitis C** to the other person; or

(B) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

- 1 (3) a Class B felony if:  
2 (A) the person knew or recklessly failed to know that the  
3 blood, semen, urine, or fecal waste was infected with HIV; and  
4 (B) the offense results in the transmission of HIV to the other  
5 person."  
6 Page 10, between lines 21 and 22, begin a new paragraph and insert:  
7 "SECTION 12. [EFFECTIVE JULY 1, 2007] **IC 35-42-2-6, as**  
8 **amended by this act, applies only to acts committed after June 30,**  
9 **2007."**  
10 Renumber all SECTIONS consecutively.  
(Reference is to ESB 45 as printed April 6, 2007.)

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Representative Tyler